UNITED STATES PATENT AND TRADEMARK OFFICE

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10/601,466	06/23/2003	Gary A. Watkins	GP-303344 (2760/103)	7594

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EXAMINER
FISHER, PAUL R

ART UNIT	PAPER NUMBER
3689	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Office Action Summary	10/601,466	WATKINS ET AL.
	Examiner	**Art Unit**	
	PAUL R. FISHER	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 January 2009</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-20</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Arguments submitted on 1/21/2009 have been acknowledged. Claims 1-20 as

previous amended are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

4.   In claim 18, claim elements "means for associating" "means for maintaining" and

"means for deactivating" are means (or step) plus function limitations that invoke 35

U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or

associate the disclosed structure, material, or acts to the claimed function such that one

of ordinary skill in the art would recognize what structure, material, or acts perform the

claimed function. In the applicant's specification there is no clear link to what means are

performing these various actions. Page 3, of the applicant's originally filed specification

merely recite there is a means for performing these actions but no indication as to what

this means is or what structure would be performing these actions.

Applicant is required to:

(a)   Amend the claim so that the claim limitation will no longer be a means (or step)

plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or

associates the corresponding structure, material, or acts to the claimed function without

introducing any new matter (35 U.S.C. 132(a)); or

(c) State on the record where the corresponding structure, material, or acts are set

forth in the written description of the specification that perform the claimed function. For

more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Vieweg et al. (US 6,611,194) hereafter Vieweg, in view of Messina et al. (US

2002/0065037 A1) hereafter Messina.

As per claims 1, 10 and 18, Vieweg discloses a method and inherently

discloses computer readable media and a system for:

associating a vehicle telematics device with a vehicle telematics subscription

service (Col. 3, lines 21 – 31; discloses that a service key is transmitted to the terminal

to enable services such as traffic information, navigation etc. From this it can be seen

that the telematics device in this case the terminal is associated with a subscription or it

is entitled to receive services from a service center);

maintaining subscription service data at the vehicle telematics device (Col. 4,

lines 5-6; discloses that the service key stored on the terminal is interpreted to be

subscription service data stored on the telematic device); and

deactivating (which is described as the following steps 1) placing a

communication from the vehicle telematics device and 2) surrendering at least one

identification number previously assigned to the vehicle telematics device. Deactivating

is not drawn to the disabling of the device, but rather to the two steps listed above) the

vehicle telematics device at the vehicle at the expiration of the subscription service

based on the subscription service data (Col. 1, lines 48-52; discloses that new keys

have to be inserted when the subscription period ends, from this the Examiner asserts

that the original keys that would be use to activate the device have been surrendered

since new keys are necessary in order to activate and use the device. It is also

determined that the deactivating is based on subscription service data since the original

keys that were used are no longer usable in the system).

wherein the deactivating step comprises

placing a communication from the vehicle telematics device (Col. 1, lines 48

through col. 2, line 22; discloses that communications can be sent from the telematics

device to the service center to make requests); and

surrendering at least one identification number previously assigned to the vehicle

telematics device (Col. 1, lines 48-52; discloses that new keys have to be inserted when

the subscription period ends, from this the Examiner asserts that the original keys that

would be use to activate the device have been surrendered since new keys are

necessary in order to activate and use the device);

Vieweg does disclose placing a communication from the vehicle telematics

device, however doesn't explicitly disclose that it is in relation to deactivating.

Messina, which talks about a telematics application for implementation in

conjunction with a satellite broadcast delivery system, discloses the interface or device

being used to send a request for deactivation (Page 1, paragraph [0005]; teaches that

the interface along with the information sources and ground station allow the customer

to perform various tasks such as initiate and/or cancel their subscription).

Therefore, from this teaching of Messina, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify the

managing of vehicle telematics device subscription service cycle as taught by Vieweg,

with an interface capable of sending a cancellation request as taught by Messina, for

the purpose of allowing the customer to initiate the cancellation of their service from

their vehicle. By allowing this feature the customer is provided with more options and a

greater sense of control over how they use and operate their device and subscription

services.

As per claims 2 and 11, Vieweg discloses a method and inherently computer

readable media for: configuring an enrollment event trigger parameter in the vehicle

telematics device (Col. 1, lines 48-52; disclose the use of service keys that may expire

in the device and render the device inoperable, and hence require replacement with a

new service key, which discloses the configuring of an enrollment event trigger

parameter in the vehicles telematics device).

As per claim 3, Vieweg discloses a method for: selecting and enrollment event

trigger from expired months or specific date (Col.1, lines 31-33; disclose the use of

service keys for service data that which is registered only for a period of time to expire

in the terminal after some time has elapsed is interpreted to teach an enrollment event

trigger selected from expired months and/or a specific date).

As per claims 4 and 12, Vieweg discloses a method and inherently computer

readable media for: determining an enrollment event based on the enrollment event

trigger parameter (Col. 1, lines 48-52; discloses the insertion of new service keys, which

may be necessary, for example, when a subscription period has expired for a particular

service is interpreted to teach determining an enrollment event based on the enrollment

event trigger parameter);

initiating an inbound communication from the vehicle telematics device

responsive to a determination of an enrollment event (Col. 3, lines 57-59; disclose a

request being made by the service center 3 or 4 in response to the terminal 2 sending a

request is interpreted to teach the initiation of an inbound communication from the

vehicle telematics device in response to a determination of an enrollment event);

receiving a configuration data communication (Col. 4, lines 31-36; discloses the

service center transmitting the new service key to the terminal, and the use of the new

service key by the terminal to decode encrypted service data is interpreted to teach the

receiving of configuration data communication); and

configuring an activation event trigger parameter and a maintenance event

trigger parameter based on the received configuration data (Col. 1, lines 31-33;

discloses the desirability of allowing service keys registered only for a period of time and

expire in the terminal after some time, or that it can be desirable for such service keys to

be updated. The disclosure of service keys that require updating is interpreted to

disclose a maintenance event trigger parameter).

Vieweg inherently discloses an activation event trigger parameter because once

the service key is installed on the telematics device, the telematic device becomes

activated since it is able to decode service data and is thereby operational from the

viewpoint of a user.

As per claims 5 and 13, Vieweg discloses a method and inherently computer

readable media for: configuration data communication to include telematic device

subscription service data, telematics device service provider data, telematics device

authentication data and maintenance event data (Col. 4, lines 5-8; disclose that

transmission of service key 9 from a service center 3 or 4 into a terminal 2). The

terminal requires a valid service key in order to make use of the service data, therefore

the service key is interpreted to include subscription service data, telematics service

provider data, telematics device authentication data and as the service key may expire

after some time and require updating or replacement, maintenance event data as well.

As per claims 6 and 14, Vieweg discloses a method and inherently computer

readable media for: activating the telematics device for operation with the subscription

service (Col. 4, lines 5-9; discloses the sequence for coded insertion of a service key 9

(for service data) from a service center 3 or 4 into a terminal 2 start with terminal 2

requesting (in step 11) a service key from a service center 3 or 4). As the terminal

requires a valid service key in order to make use of the service data, the insertion of the

service key into the device is interpreted to teach the activation of the vehicle telematics

device for operation with the subscription service.

As per claims 7 and 15, Vieweg discloses a method and inherently computer

readable media for: Determining an activation event based on the activation event

trigger parameter (Col. 4, lines 5-9; discloses the sequence for coded insertion of a

service key 9 (for service data) from a service center 3 or 4 into a terminal 2 state with

terminal 2 requesting (in step 11) a service key from a service center 3 or 4). As the

terminal requires a valid service key in order to make use of the service data, the

insertion of the service key into the device is interpreted to teach the activation of the

vehicle telematics device for operation with the subscription service and hence the

determination of an activation event based on the trigger parameter is inherently

disclosed.

initiating an inbound communication responsive to a determination of an

activation event (Col. 4, lines 5-9; discloses that the sequence for coded insertion of a

service key 9 (for service data) from a service center 3 or 4 into a terminal 2 starts with

terminal 2 requesting (in step 11) a service key from a service center 3 or 4 (emphasis

added)).

registering an authentication key (Col. 3, lines 53-57; discloses the terminal

manufacturer 1 transmits 13 to the trust center 5 a terminal identity number 10 which

enables the trust center 5 to assign the decoding key 7 to a terminal identity and hence to a terminal (emphasis added)).

As per claims 8 and 16, Vieweg discloses a method and inherently computer readable media for: determining a maintenance event based on the maintenance event trigger parameter (Col. 1, lines 49-51; discloses that new service keys may be necessary when a subscription period has expired for a particular service, thereby teaching determining a maintenance event (interpreted to be the necessity of new service keys) in response to a maintenance event trigger parameter (interpreted to be expiration of a subscription period for a particular service)).

initiating an inbound communication responsive to a determination of a maintenance event (Col. 4, lines 5-9; disclose the initiation of communication in response to an activation event when the terminal requests a new service key. Col. 1, lines 49-50; discloses that new service keys may be needed when a subscription period has expired). The disclosures of Vieweg are interpreted to teach the initiation of an inbound communication in response to the determination of a maintenance event.

receiving a maintenance data communication having an updated maintenance event trigger parameter (Col. 4, lines 31-38; discloses the transmittal of a new service key to terminal).

configuring an updated maintenance event trigger at the vehicle telematics device (Col. 1, lines 31-33; inherently disclose that as the service key may expire in the terminal after some time, and the terminal thereby requires an updated service key and

an updated maintenance event trigger is therefore configured when the updated service key is transmitted to the device).

As per claims 9 and 17, Vieweg discloses a method and inherently computer readable media for: deactivating the vehicle telematics device by disassociating the vehicle telematics device from the vehicle telematics device subscription service (Col. 1, lines 49-51; discloses that new service keys may be necessary when a subscription period has expired for a particular service). Vieweg thereby inherently teaches that when a service key has expired or is no longer valid, the vehicle telematics device is thereby disassociated from the telematics service.

As per claim 19, Vieweg discloses a method wherein the identification number comprises an ID assigned to the telematics unit during a pervious activation of the telematics unit (Col. 1, lines 17-41).

7.   **Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vieweg et al. (US 6,611,194) hereafter Vieweg, in view of Messina et al. (US 2002/0065037 A1) hereafter Messina as applied to claim 1, further in view of Ikeda (US 2002/0174360 A1) hereafter Ikeda.**

As per claim 20, the combination of Vieweg and Messina teaches the above-enclosed invention, but fails to explicitly disclose wherein the identification number comprises a cellular telephone number.

Ikeda, which talks about a service providing system, teaches wherein the identification number comprises a cellular telephone number (Page 8, paragraph [0135];

discloses that by making the ID or identification number of the device a telephone

number it makes it easy for the application server or service center to access the

wireless communication apparatus of the device).

Therefore, from this teaching of Ikeda, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the managing of

vehicle telematics device subscription service cycle as taught by the combination of

Vieweg and Messina, with the use of a telephone number as the identification number

as shown in Ikeda, for the purpose of making it easy for the application server or service

center to get in communication with the telematics device as shown in Ikeda.

Response to Arguments

8.   Applicant's arguments filed January 21, 2009 have been fully considered but they

are not persuasive.

9.   Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-

5097. The examiner can normally be reached on Mon/Fri [8am/4:30pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
4/6/09